

**Summary of Changes to Criminal Justice Act Plan
Appendix I**

Old Plan	New Plan	
		I. Composition of Panel of Private Attorneys
		A. CJA Panel
Pg. A-1	Pg. 13	<p>1. Approval Changed from the "Court shall establish" to the "Federal Defender of Western North Carolina shall establish" a panel of private attorneys (the CJA Panel)...</p> <p>Modified from the "Court shall approve..." to The Federal Defender shall approve attorneys for membership after receiving recommendations from the Panel Selection & Management Committee.</p>
Pg. A-1	Pg. 13	<p>2. Size Modified to show the Federal Defender shall fix, periodically, the size of the CJA panels while maintaining the high quality of representation. A second change is the creation of four CJA Panels ("General;" "Special Death Penalty Panel," "Special Habeas Death Penalty Panel" and "Training"). The initial size of the new CJA Panel is 75 --- lawyers for Statesville/Charlotte, and 40 --- for Asheville/Bryson City.</p>
	Pg. 13	<p>3. Range of Case Assignments Section added to determine assignments to the CJA Panel to allow each CJA Panel attorney to develop federal defense skills and experience, while promoting fair distribution of case assignments. The assignment process will be reviewed by the CJA Panel Selection & Management Committee on an annual basis based on a review of appointment records maintained by the Federal Defender.</p>
Pg. A-1	Pg. 13 – 14	<p>4. Minimum Eligibility A new eligibility plan to qualify as a CJA Panel attorney. Each attorney must complete a CJA</p>

		<p>Application including all necessary attachments and meet the listed minimal requirements.</p> <ul style="list-style-type: none"> a. Licensed to practice law in NC, a member in good standing of the NC State Bar (confirmed by certificate), as well as the Federal bar of WDNC. b. Admitted to practice before US Court of Appeals for the 4th Circuit. c. Two year exp. In federal criminal law, or min. of five years in state criminal court. d. "first chair" in at least two felony federal cases or "second chair" in at least two felony criminal trials as member of CJA Panel under guidance of CJA Panel lawyer. e. Certify and demonstrate experience and knowledge of Federal Law, Federal Rules of Criminal Procedure, Federal Rules of Evidence, and US Sentencing Guidelines. f. Certify access to a physical office, on-line or computer assisted research and unlimited access to the internet, active Log-In account with ECF in WDNC, and a telephone answering machine or answering service. g. Submit three letters of recommendation from state or federal judges or from attorney with significant federal criminal defense experience (on who are on the JCA panel. h. Be willing to serve as a mentor to attorneys on the CJA Training Panel or assist with CJA training programs, or on the Panel Selection & Management Committee.
	Pg. 14	<p>5. CJA Training Panel</p> <p>Sets forth a CJA Training Panel for attorneys established by the Panel Selection & Management Committee for attorneys who meet requirements for the CJA Panel, but lack the required federal trial experience. The minimal requirements are listed as well as requirements for written confirmation from the presiding judge and the mentoring lawyer.</p> <p>Before being eligible to apply to the full CJA panel the Training Panel members will be required to complete minimal requirements including:</p>

		<ol style="list-style-type: none"> 1. Observe one felony trial 2. Participate as “second chair” in two felony cases 3. Attend two seminars related to federal criminal law that are approved by Panel Selection & Management Committee <p>Panel members are not eligible to receive independent Appointments or compensation for services in assisting CJA Panel members. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel nor is service on the Training Panel a guarantee of admission to the CJA Panel.</p>
Pg. A-2	Pg. 15	6. Equal Opportunity No change from previous plan
Pg. A-2	Pg. 15	7. Terms Modified to establish guidelines for service on the CJA during its initial establishment as well as for future service. The initial panel will be divided into three groups with members assigned to one of the three groups on a random basis. The members of the first group will serve for one year, the second group serves for two years, and the third group for three years. Following attorney admission to CIJ Panel, each will serve for a term of three years, effective October 1 of each year and no limit to the numbers of terms a panel attorney may serve.
	Pg. 15	8. Removal of CJA Panel Members Sets forth guidelines for removal of CJA Panel Members regarding failure to fulfill obligations of Panel membership or engaging in conduct inappropriate to continue as a Panel member. Directs a subcommittee of at least five (5) members to make inquiries, review complaints, and issue a report of its findings. Establishes a complaint review process and the authority to prohibit making further appointments to the CJA Panel member under review.
	Pg. 16	9. Reappointment Members of the CJA Panel are eligible for reappointment to the panel immediately following

		<p>expiration of their term. A peer review based on cases handled will be completed prior to every reappointment.</p>
	Pg. 16	<p>10. Application Form</p> <p>Form is available on the US District Court and FDWNC website. Completed application are submitted to the Community Defender who will transmit applications to the Chairperson of the Panel Selection & Management Committee.</p>
	Pg. 16	<p>11. Non-Retroactivity</p> <p>CJA plan will be effective 30 days following approval by the US 4th Circuit Court of Appeals and will only control appointments made after that date. This plan will have no effect on case assignments made prior to adoption of the Plan. Any lawyer currently assigned will continue to represent that indigent defendant.</p> <p>One adoption of the Plan is complete, all case assignments will be made through membership to the CJA Panel.</p>
	Pg. 16	<p>B. Panel Selection & Management Committee</p> <p>1. Membership in Panel Selection & Management Committee</p> <p>Guidelines for creation of committee in consultation of the court. Includes a list of those to be included in the committee.</p> <ul style="list-style-type: none"> A) The Federal Defender B) The CJA Panel Representative C) Federal Defense Private Practitioners <ul style="list-style-type: none"> i) Charlotte/Statesville – 5 lawyers ii) Asheville/Bryson City/Shelby – 2 lawyers
	Pg. 16 - 17	<p>2. Duties</p> <ul style="list-style-type: none"> a. Annual meeting to consider application for vacancies Additional meetings “as needed” as vacancies arise b. Method for filling mid-term vacancies

		<p>c. Information provided concerning efforts undertaken for continuance of Equal Opportunity guidelines.</p>
Pg. A-2	Pg. 17	<p>II. Selection For Appointment</p> <p>A. Maintenance of List and Distribution of Appointments Community defender organization replaced with Federal Defender. The Federal Defender will maintain public records and a change made to include records of CJA Panel members refusal to accept case assignments. Also gives the Clerk discretion to refer that member to the Panel Selection & Management Committee for appropriate action.</p>
Pg. A-2	<p>Pg. 17 – 18</p> <p>Pg. 18</p>	<p>B. Method of Selection Changes made to note the change in the selection process subject to the Federal Defender’s discretion, with exceptions limited, and a concern to make appointments balanced and fair. The plan advises recording attorney refusals and placing attorney at the bottom of the rotation list. The CJA Panel Administrator shall advise the Judge or Magistrate as opposed to the prior Executive Director. The CJA Panel Administrator shall provide the name of the next panel member on the list who has handled similar cases in the past to the Clerks office.</p> <p>A final paragraph was added concerning cases where an attorney is appointed after a trial has taken place, but prior to sentencing shall be recorded as a “partial” appointment and not one entire case for the purpose of calculating case assignment rotations.</p>
Pg. A-3	Pg. 18	<p>III. Compensation – Filing of Vouchers Claims are now to be filed on the appropriate CJA form and submitted to the Federal Defender’s Office, attn. CJA Panel Administrator who will review the form for accuracy. The same guidelines will be followed, and if correct shall continue to forward the claim for the consideration and action of the presiding</p>

Pg. A-3 Pg. A-4		<p>judge or magistrate judge. If the Court determines any reductions are warranted, the Court should give appropriate notice to the attorney with the opportunity to respond or comment.</p> <p>A. Filing Claims and B. Compensation were eliminated.</p>
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